

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: PETITION OF THE SEVENTH JUDICIAL : No.
DISTRICT PURSUANT TO PA.R.CRIM.P. :
NO. 131 REQUESTING APPROVAL OF :
DUI CENTRAL COURT PROGRAM :

PETITION FOR APPROVAL OF DUI CENTRAL COURT PROGRAM

The Petitioner, Wallace H. Bateman, Jr., President Judge of the 7th Judicial District of the Commonwealth of Pennsylvania, respectfully represents the following:

1. As President Judge of the Court of Common Pleas of Bucks County and the 7th Judicial District as aforesaid, the Petitioner exercises general supervisory and administrative authority over Magisterial District Courts within the Judicial District pursuant to Pa.R.J.A. No. 605(A).

2. The 7th Judicial District is comprised of Bucks County, a Second-Class A (2-A) county. There are currently 18 Magisterial Districts within the 7th Judicial District.

3. In order to better utilize judicial and associated resources as demonstrated herein, and pursuant to Pa.R.Crim.P. No. 131, approval of DUI Central Court for the 7th Judicial District (“DUI Central Court”) in substantially the form attached hereto as Exhibit “A” is respectfully requested.¹

4. As demonstrated herein, the proposed DUI Central Court will accelerate case dispositions, quicken access to problem solving courts in appropriate cases, hasten treatment for those in need, enhance the overall efficiency of the 7th Judicial District, and promote public safety,

¹ Upon review of comments made in response to the proposal, which was initially publicized for comment on August 14, 2023, the Court amended the attached Policies and Procedures to provide that cases in which Preliminary Hearing is not waived will be returned to the issuing authority. In all other respects the Policies and Procedures are substantively unaltered. The Policies and Procedures as amended were provided to all Magisterial District Judges, Police Departments and municipalities and posted on the Court’s website for any further comment on September 20, and the comment period was extended to October 2, 2023.

which ultimately advances the individual health and welfare interests of all residents of the judicial district.

5. Pursuant to Pa.R.Crim.P. No. 131(B)(2)(a), petitioner respectfully submits the following, numbered according to the cited rule:

- (i) **a statement detailing what local conditions require the formation of a central court and what improvement would be made to the Magisterial District Court system with any data or other documentation.**

Local Conditions. Despite the efforts of the Magisterial District Courts, the Court of Common Pleas and the various support agencies that participate in the DUI process, the current, traditional model of handling DUI cases has resulted in needless systemic delay and inconsistencies.

- a. Delay. In 2022, 1700 DUI cases were handled across Bucks County's 622 square miles by 42 police departments and 18 district courts, all having different work- and caseloads. With these circumstances comes built-in unpredictability in scheduling; 18 courts cannot be expected to schedule necessary preliminary hearings in a uniform manner. Further, upon transmission of DUI cases to the Court of Common Pleas and scheduling, defendants often arrive for their first court appearance entirely unprepared for a guilty plea, trial or sentencing. Cases are consistently continued due to lack of representation or failure to complete DUI requirements. Defendants who plead or are found guilty are required to have a CRN evaluation and a drug and alcohol assessment as necessary for sentencing. Yet very often these evaluations are not completed by the time set for sentencing, resulting in further continuances. In sum, the traditional manner of handling DUI cases often results in delay, both of the

case being resolved, and perhaps more importantly, of the defendant's ability to receive the sentence-based treatment alternatives available to the Court.

- b. Inefficiency. Approximately two-thirds of Bucks County DUI cases scheduled for preliminary hearing result in waiver of the preliminary hearing. In 2022, for example, 67.8% of DUI cases filed waived preliminary hearing (1,241 waivers out of 1,829 cases filed). Notwithstanding the high rate of waivers, however, District Attorneys must travel to the Court and Police Department personnel must be prepared to attend the scheduled preliminary hearing. This situation would constitute a necessary, but undeniably inefficient, use of District Attorney and Police Department resources were it confined to a single court. Stretched over 18 district courts, however, the wasted resources are only compounded.
- c. Inconsistency. Across 18 district courts there exists the potential for inconsistencies in the information provided to defendants regarding legal representation, requirements for DUI cases moving forward, and the availability of programs such as restrictive probation and alternative problem-solving courts. Defendants who might benefit from participation in problem-solving courts may not be made aware of their eligibility in a timely fashion. All of this results in defendants arriving at the Court of Common Pleas in different stages of preparedness, or lack thereof.

Improvements. Implementation of the Central Court proposal attached will largely solve the issues identified above by providing centralized and uniform scheduling, available resources and information.

- a. Timely Scheduling. There will be no court-by-court scheduling discrepancies or delays as all DUI cases will be scheduled for a central time and location, a more

efficient scheduling model which also has the potential of reducing the number of court appearances for defendants.

- b. Increased efficiency. As stated previously, approximately two-thirds of DUI cases result in waiver of preliminary hearing. At minimum, a District Attorney and a Commonwealth witness must appear and be prepared to proceed before the Magisterial District Court in each of these cases. DUI Central Court will not, however, require an appearance by an arresting officer at the first listing of a DUI case, lessening the burden on arresting departments. District Attorneys and Public Defenders will be on site rather than having to incur the time and expense of travel.
- c. Consistency in available information and services. Centralized DUI proceedings will permit Adult Probation and treatment agencies to be present on the scheduled date of every preliminary hearing, and to contact and provide information to defendants regarding available case alternatives including problem-solving courts, as well as evaluation and treatment options relevant to DUI cases. The presence of District Attorney representatives will allow for screening for problem-solving courts eligibility. This level of attention to each defendant is impossible in the current system given the location and schedules of 18 distinct Magisterial District Courts.

To summarize, Bucks County wishes for its DUI Central Court to provide a “one stop shopping” experience for defendants. It is the Court’s intention that Central Court will be conducted in a manner that provides each defendant with access to and accessibility by **all** of the services and information necessary to reach a case outcome that is both timely and beneficial. At DUI Central Court, the Offices of the District Attorney, the Public Defender, and Adult Probation and Parole will all be represented, as well as 3 Bucks County treatment providers. Defendants will be able to apply on site for a Public Defender if they are indigent

and in need of legal representation. Defendants will further have the opportunity to meet with treatment providers and to schedule a CRN evaluation, as well as a drug and alcohol assessment as required. Timely scheduling and completion of these assessments will allow defendants to qualify for restrictive probation in appropriate cases. Finally, by holding all DUI preliminary hearings at the Justice Center and providing the above agencies and providers with access to defendants, all defendants will be receiving the same information about alternatives such as problem-solving courts and general DUI case options and requirements at the same time. Screening for problem-solving courts will be available to all defendants. This equal access to available resources and information will result in better prepared defendants and therefore fewer continuance requests at the Court of Common Pleas level. Reducing continuances will produce an accompanying reduction in the number of trips to the Justice Center in Doylestown for defendants, private attorneys and police officers.

Taken together, these improvements will result in more timely and efficient resolution of DUI cases. Bucks County's Central Court program is closely modeled after that of Lehigh County. While past performance is not always predictive of future results, Lehigh County's central court program has resulted in a 70% decrease in the time from complaint to imposition of ARD (10 months before central court, 3 months after) and a 55% decrease from complaint to plea (11 months before central court, 5 months after). We are confident that over time, that success will be emulated in Bucks County.

Objections. Some of the common objections to the DUI Central Court proposal may be summarized and addressed as follows.

- a. DUI Central Court will skew judicial caseloads. The proposal will have no adverse effect on the caseload of any magisterial district court. The magisterial district in which the complaint is filed will be the district in which the case (and disposition thereof) will be reflected statistically. Cases heard in DUI Central Court will not be “taken away” from the originating district’s case inventory and “added to” the sitting Magisterial District Judge’s caseload or to that of the Court of Common Pleas.
- b. Scheduling will be unfair to Magisterial District Judges. To ensure that judicial staffing of DUI Central Court is considered equitable by the magisterial district judges, the DUI Central Court proposal allows the magisterial district judges, through the President of their Association, to decide which judges are scheduled on DUI Central Court dates. Only should the magisterial district judges fail to submit a schedule would the task of scheduling then fall to President Judge or to his or her designee. Under this system any perceived unfairness in scheduling would only be attributable to the magisterial district judges themselves.
- c. DUI Central Court deprives those who voted for a Magisterial District Judge of the opportunity to have that judge hear her or his case. First, this objection relies on the false premises that every DUI charged in a magisterial district is committed by (1) a resident of the district, (2) who voted for the magisterial district judge. In reality, many DUI’s are committed by individuals whose only connection to the subject district is travelling through it in an allegedly impaired state. Second, magisterial district judges are not part of a representative branch of government, *i.e.*, they are not elected to merely serve the interests of constituents. Rather, they are elected to the

judiciary to safeguard the rights and liberties of all who come before them, regardless of whether they are voters, or even residents of the district.

(ii) an assessment of the impact on public accessibility to the relocated court proceedings

Though we believe Bucks County's DUI Central Court will reduce the overall time and travel burden on defendants in most DUI cases, the program has been designed to be at worst neutral in terms of the impact on defendants. The Bucks County Justice Center is centrally located in geographic terms and is readily accessible, situated at the intersection of several well-traveled roads and highways and having available public transportation, both train and bus. While we recognize the impact on defendants who must travel to Doylestown for their first appearance rather than to their local Magisterial District Court, it must be kept in mind that except for those cases that are dismissed at the Preliminary Hearing, all DUI cases will require at least one appearance in Doylestown at the Justice Center.

(iii) an estimate of the fiscal impact of the proposal for the county, municipalities, police departments and other stakeholders

There are identifiable financial benefits to our DUI Central Court proposal. As outlined above, adoption of the proposal will create efficiencies that will reduce travel-related time and cost for District Attorneys, Public Defenders and Police Departments. Police Department overtime pay for appearances will also be reduced. Court Administration has created a position for a DUI Court Coordinator – yet to be staffed – but we believe most of the tasks required may be covered by existing Court Administration employees.

- (iv) **a copy of the statements from all affected magisterial district judges as to their position on the proposal, or a notation of any magisterial district judge who declined to provide such a statement**

Attached as Exhibit "B."

- (v) **a copy of the public notice that was posted regarding the proposal and all written comments**

Attached as Exhibit "C."

Wherefore, Petitioner respectfully requests that this Honorable Court enter an order approving adoption and implementation of a DUI Central Court program for the 7th Judicial District as described in exhibit "A" attached hereto.

Respectfully submitted,

Wallace H. Bateman, Jr.
President Judge, Seventh Judicial District

Bucks County DUI Central Court Policies and Procedures

General Program Information

- All court cases where 75 Pa.C.S.A § 3802 (Driving Under the Influence) is charged shall be submitted to DUI Central Court for a preliminary hearing to be held at the Bucks County Justice Center.
- Preliminary Hearings for all DUI cases shall be scheduled in DUI Central Court, which shall be held on a monthly basis per a schedule to be provided by the Court Administrator.
- Upon filing, the Magisterial District Court in which the complaint is filed shall electronically transmit or deliver a copy of the record to the Office of the Court Administrator, Minor Judiciary.
- In the case of an incarcerated defendant, the Preliminary Hearing shall be scheduled at the originating Magisterial District Court.
- DUI Central Court shall be conducted in morning and afternoon sessions. The morning session shall commence at 9:00 a.m., and the afternoon session at 1:30 p.m.
- DUI Central Court shall be presided over by two (2) Magisterial District Judges per day. Both assigned judges will sit in both the morning and afternoon sessions. Assignment of Magisterial District Judges for service on DUI Central Court dates shall be fixed by the Magisterial District Judges Association through the President of such Association, and shall be submitted to the President Judge and Court Administrator not less than 30 days prior to each scheduled DUI Central Court date. Only in the event that the President of the Magisterial District Judges Association fails to provide an assignment schedule at least 30 days prior a scheduled DUI Central Court date, shall the judicial assignments for the subject date be made by the President Judge, or his or her designee.

DUI Central Court Staff

- In addition to the assigned Magisterial District Judges, court staff and DUI Central Court support staff (which shall be provided by the Office of the Court Administrator, not assigned from the court staff of the assigned judges), the following shall provide at least one (1) representative on each scheduled DUI Central Court date:
 - District Attorney's Office
 - Public Defender's Office
 - Adult Probation and Parole
 - Sheriff's Office
 - Livengrin Foundation
 - The Council of Southeast Pennsylvania, Inc.
 - Family Service Association of Bucks County

Scheduling

- Scheduling cases for DUI Central Court shall be the responsibility of the originating Magisterial District Court.
- Scheduling of cases shall be based on the filing date of the criminal complaint and the DUI Central Court schedule.
- Defendants and all parties should appear at least fifteen (15) minutes prior to the time scheduled for the subject case.
- Notices shall be provided to all parties by the originating Magisterial District Court.
 - The affiant and any witnesses/victims will not be required to attend the first scheduled date. If the defendant does not waive his or her Preliminary Hearing and requests a hearing, a new date and time will be assigned. The affiant and all witnesses/victims shall be notified and are required to attend the next scheduled Preliminary hearing.
- All requests for continuance prior to the time set for hearing shall be made to the Office of the Deputy Court Administrator, Minor Judiciary. The request shall be transmitted to the originating court, and shall be decided in the discretion of the court.
- Written notification of continuance shall be provided in accordance with Pa.R.Crim.P. No. 542.

Case Processing

Complaint by Summons

- When a complaint is filed in the Magisterial District Court, the case shall be docketed and scheduled by the Magisterial District Court staff.
- The originating Magisterial District Court shall schedule the Preliminary Hearing for DUI Central Court in accordance with the DUI Central Court schedule and the procedures established by the Office of the Court Administrator at the direction of the Court.
- A first class and certified summons shall be sent to the defendant by the Magisterial District Court office in which the complaint was filed.
- The summons shall notify the defendant of a Preliminary Hearing in accordance with the applicable Pennsylvania Rules of Criminal Procedure.
- All case files, including original copy, shall be maintained in the Magisterial District Court office. A digital copy of the complete file shall be transferred from the originating Magisterial District Court office to the DUI Central Court.

Arraignment of Defendant when Criminal Charges are Filed

- Defendants arraigned at the time of the filing of criminal charges shall have a Preliminary hearing scheduled in accordance with Pa.R.Crim.P. No. 540(G)(1).

Case Dispositions

Waivers of Preliminary Hearing at DUI Central Court

- Defendants who waive their right to a Preliminary hearing at DUI Central Court shall present their request to do so to the Magisterial District Judge presiding over DUI Central Court.

Waiver of Preliminary Hearing by a Defendant Represented by Counsel Prior to Scheduled DUI Central Court Date

- Defendants represented by counsel may waive their Preliminary Hearing prior to their scheduled DUI Central Court date pursuant to Pa.R.Crim.P. No. 541.
- Such waiver shall be filed with the Magisterial District Court.
- Upon filing of a written waiver, the case shall proceed pursuant to the Pennsylvania Rules of Criminal Procedure.
- Upon filing of a written waiver, the originating Magisterial District Court shall provide defendant and his or her counsel with notice of formal arraignment and written information regarding the required Court Reporting Network evaluation (“CRN”).

Preliminary Hearing

- Cases in which the defendant does not waive the Preliminary Hearing at the scheduled DUI Central Court hearing date shall be returned to the originating Magisterial District Court for Preliminary Hearing.

Defendant Failure to Appear

- If the defendant fails to appear for his or her Central Court Hearing Date, in the discretion of the court the hearing may be continued to a new date and time in DUI Central Court or the case may be returned to the originating Magisterial District Court for Preliminary Hearing.
- All parties shall be notified of the new DUI Central Court date pursuant to applicable rule and DUI Central Court policies and procedures.

Filing of Record in the Court of Common Pleas

- Upon disposition of the matter, the copy of the record electronically transmitted or delivered to the Office of the Court Administrator, Minor Judiciary, shall be filed with the Clerk of Courts in accordance with Pa.R.Crim.P. No. 547. The record as electronically transmitted or

delivered, as the case may be, shall be deemed an original under Pa.R.Crim.P. No. 547(C) and shall be accepted for filing by the Clerk of Courts.

Court Reporting Network evaluations

- A CRN is mandatory for all DUI offenders in the Commonwealth of Pennsylvania.
- To facilitate timely completion of the CRN, Livengrin Foundation, The Council of Southeast Pennsylvania, Inc., and Family Service Association of Bucks County (“providers”) will have representatives available at each DUI Central Court date to schedule CRN’s and provide defendants with further relevant information, including information regarding payment for the CRN.
- The County of Bucks will bear the cost for the CRN of any indigent defendant.
- Should any defendant not appear for a scheduled CRN, the relevant provider shall notify the Office of the Court Administrator, Minor Judiciary, of the failure to appear.
- The defendant shall be given a copy of the CRN results at the conclusion of the appointment, and a copy shall also be provided to the defendant’s attorney.
- If the defendant is recommended for further assessment, the provider may schedule defendant for any such assessment performed by the provider, but in any event shall furnish defendant with a list of approved agencies for such assessment(s).